

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY BERLIN
INFO AMEMBASSY BONN
USMISSION USBERLIN

C O N F I D E N T I A L STATE 049468

E.O. 11652: GDS

TAGS: CGEN, CPRS, PFOR, GE

SUBJECT: THE FEININGE PAINTINGS

EF: KLEIN-ARD LETTER OF JUN- 17, 1 76

1. MR. RALPH COLIN, EXECUTOR FOR THE ESTATE OF JULIA FEININGER, HAS REQUESTED THE DEPARTMENT'S ASSISTANCE IN OBTAINING PERMISSION FROM THE GDR FOR THE REMOVAL FROM THE GDR OF A NUMBER OF PAINTINGS BY THE AMERICAN ARTIST, LIONEL FEININGER.

2. AS EMBASSY IS AWARE, COLIN, REPRESENTING FEININGER FAMILY, WON COURT CASE IN HALLE IN FEB9UARY, 1976 CONCERNING THE RIGHTFUL OWNERSHIP OF THE PAINTINGS WHICH
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HAD BEEN IN THE POSSESSION OF A GDR CITIZEN FOR MANY YEARS. ON JUNE 10, 1976 COLIN MET WITH MR. WALTER WERLING OF THE AMT FUER DEN RECHTSSCHUTZ DES VERMOEGENS DER DDR IN EAST BERLIN TO DISCUSS THE REMOVAL OF THE PAINTINGS FROM THE GDR. WERLING TOLD COLIN THAT ALTHOUGH THE GDR ACKNOWLEDGED THAT THE PAINTINGS BELONG TO THE REININGER ESTATE, THEY COULD NOT BE REMOVED

FROM THE GDR UNTIL AN AGREEMENT HAD BEEN REACHED ON
OUTSTANDING PROPERTY CLAIMS BETWEEN THE US AND THE GDR.

3. BECAUSE THE GDR ACKNOWLEDGES THE US OWNERSHIP
OF THE PAINTINGS, IT IS QUESTIONABLE WHETHER THEY COULD
BE INCLUDED IN THE CLAIMS NEGOTIATIONS, AS THE ESTATE
HAS NOT BEEN DEPRIVED OF THE PAINTINGS DE JURE AND
PERHAPS NOT EVEN DE FACTO DEPENDING UPON WHAT RIGHTS
THE GDR WOULD PERMIT THE ESTATE TO HAVE REGARDING
THE USE OF THE PAINTINGS IN THE GDR. THEREFORE,
DEPARTMENT BELIEVES THAT THIS CASE SHOULD BE RAISED

WITH THE GDR POINTING OUT THAT WE DO NOT CONSIDER THAT
THE PAINTINGS FALL WITHIN THE CATEGORY OF THE CLAIMS
HICH WILL BE NEGOTIATED AT A LATER DATE. FURTHERMORE,
WE NOTE THAT THERE ARE NO USG RESTRICTIONS ON THE
TRANSFER OF US PROPERTY OR FUNDS TO GDR CITIZENS IN
INHERITANCE CASES IN THE US. THUS, US CITIZENS ARE
BEING DENIED RECIPROCITY IN INHERITANCE CASES.

4. IN AVERRING THAT THE PAINTINGS ARE US PROPERTY, BUT
DENYING THE ESTATE/OWNERS THE RIGHT TO REMOVE THEM FROM
THE GDR, THE GDR APPEARS TO BE INSTITUTING A FORM OF
BUREAUCRATIC EXPROPRIATION WHICH CONTRAVENES THE
DECISION OF THE GDR COURT IN HALLE.

5. IN VIEW OF THE ABOVE, EMBASSY IS REQUESTED TO RAISE
THIS MATTER WITH THE MFA DRAWING ON THE FOREGOING AND TO
REQUEST THAT THE EXECUTOR OF THE FEININGER ESTATE
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BE PERMITTED TO EFFECT THE REMOVAL OF THE PAINTINGS
FROM THE GDR FOR THE LEGAL AND UNHINDERED DIPOSITION
OF THEM IN SETTLING THE ESTATE. DEPARTMENT BELIEVES
THAT AIDE-MEMOIRE WOULD BE MOST APPROPRIATE MEANS
FOR GOING ON RECORD WITH THE GDR ON THIS CASE.

6. FOR EMBASSY'S BACKGROUND, WE ARE POUCHING COPY OF
COLIN'S REPORT ON HIS DISCUSSIONS WITH WERLING.
CHRISTOPHER

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